

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:04-CR-141
)	
TOMMY L. NORWOOD,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

On March 21, 2005, the Honorable H. Bruce Guyton, United States Magistrate Judge, filed a 22-page Report and Recommendation (R&R) [Doc. 23] in which he recommended that defendant's motion to suppress evidence [Doc. 13] and the amendment to motion to suppress evidence [Doc. 17] be denied. This matter is presently before the Court on defendant's timely objections to the R&R [see Doc. 27].

As required by 28 U.S.C. § 636(b)(1), the Court has undertaken a *de novo* review of the R&R. In doing so, the Court has carefully reviewed the objections, the briefs, and the entire record and conducted an independent review of the videotape at issue. As a result, the Court concludes that Magistrate Judge Guyton has thoroughly and correctly analyzed the facts and legal issues presented by defendant's motion to suppress evidence.

Accordingly, defendant's objections [Doc. 27] are hereby **OVERRULED** in their entirety, and the Court **ACCEPTS IN WHOLE** the R&R [Doc. 23] of Magistrate Judge Guyton. Thus, defendant's motion to suppress evidence [Doc. 13] and the amendment to motion to suppress evidence [Doc. 17] are hereby **DENIED**.

The Court will *sua sponte* continue the trial date of June 15, 2004 at 9:30 a.m. to **July 20, 2005, at 9:00 a.m.** The Court notes for the record that there is time remaining on defendant's speedy trial clock and that the time from the former trial date to the new trial date is not excludable pursuant to the Speedy Trial Act.¹

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE

¹ For the record, the Court further notes that although neither party moved for a continuance they do not object to continuing the trial date to July 20, 2005, and this was conveyed during a conference call with the chambers of the undersigned on June 6, 2005.